

consumer news

DEPARTMENT OF HEALTH, EDUCATION & WELFARE

Office of Consumer Affairs

Virginia H. Knauer, Director

New foundation

To help promote consumer education in the schools & in the community Office of Consumer Affairs (OCA) is working with a joint committee of interested business leaders to establish a business-sponsored Foundation for Consumer Education of the U.S.

Although just in the planning stage, the concept of a special foundation has received support from both business & government. As conceived by the joint committee working on the proposal, foundation probably would provide services in 3 major areas:

1. In school systems, where it could assist with inservice teacher training programs & prepare new teaching materials (such as lesson plans & fact sheets) on consumer subjects where there is need.

2. In the community, where it could develop special programs for those out of school.

3. In the nation, where it could act as a clearinghouse for consumer education materials & consumer information.

Also, foundation would focus on furthering research, evaluating the results of consumer education programs and developing links to foster cooperative efforts. Foundation would not be consumer complaint handling center nor an advocacy agency.

A White House Conference is being planned for July 27 to solidify the ideas for the foundation & to get pledges of participation & financial support from industry. Amount of funding of this proposed organization will determine the extent of the activities that can be undertaken.

Land sales

Federal Trade Commission (FTC) has accepted a consent agreement with one of the nation's largest home builders—Kaufman & Broad Inc.—prohibiting the company from making claims about its homes that are misleading & from furnishing warranties that the firm will not honor. According to FTC's complaint, the company allegedly misrepresented that its homes were on land free from severe limitations for use in home construction & of top quality workmanship when, in fact, these claims proved not to be true. Complaint also alleges that Kaufman & Broad, in many cases, did not honor the warranties it furnished to purchasers by failing to make repairs or replacements as specified. Under the consent agreement, the builder has agreed to give purchasers a warranty available through the housing industry's Home Owners Warranty (HOW) program [CONSUMER NEWS: March 1]; set up an arbitration mechanism to resolve disputes; & make available for public inspection plans & specifications for the homes.

New CPSC Law

Consumer Product Safety Commission (CPSC) has gained more authority & more uniformity for its consumer regulations because of a bill signed by President Ford in May. A major section of the new law—Consumer Product Safety Commission Improvements Act of 1976—permits civil suits by consumers against CPSC in cases of misrepresentation & negligence, or when CPSC did not exercise its powers to keep dangerous products off the market.

Highlights of the new law include:

- Provision for CPSC law & regulation to override state product safety laws. This is intended to provide more protection to consumers, less cost & confusion on regulations.
- Provision giving CPSC authority for Federal uniform standards for the packing of poisonous substances & for regulating flammable fabrics.
- Removal of pesticides, tobacco products, firearms & ammunition from CPSC's jurisdiction.
- Retention of CPSC's power to regulate fireworks, but states also retain their rights in this area.

To obtain a copy of this law, and a Senate Committee Report, write the Senate Documents Room, U.S. Capitol, Washington, DC 20510. Ask for Bill S644, Conference Report 94-1022 or Committee Report 94-251 (Commerce Committee).

Justice goes to the movies

Following a year's investigation of the movie industry & the ways motion pictures are distributed, Justice Dept. has taken action against one of the major producers & distributors of films—Warner Bros. Inc.—for allegedly engaging in a practice called "four-walling."

"Four-walling" is an industry term describing a method of distributing a film under which the distributing company gets certain theaters in an area to show a film &, in exchange, the theaters receive a guaranteed sum from the company. This system contrasts with the usual method of distributing a movie, under which the distributor licenses the film to theater owners, usually in return for a share of the box office receipts. Under the usual practice, theaters are free to set their own prices for the movie. Under "four-walling," they are not.

Warner Brothers has agreed to a Justice order prohibiting it from engaging in "four-walling" in the future. In addition, the order prohibits the company from renting or leasing a theater for the run of a movie & using a film rental formula in any license that sets a fixed admission price or a provision that Warner Brothers shall receive 100% of the theater's ticket sales in exchange for a guaranteed fee.

Recalls

CROSSBOWS—Consumer Product Safety Commission (CPSC) announces the recall of approximately 15,000 "Powermaster" rifle crossbows & pistol crossbows that could fire prematurely. According to CPSC, these crossbows, which consist of an aluminum bow positioned on a rifle-type or pistol-type mechanism, may contain a latch that was not heat treated. Once the bow has been cocked & the safety catch released, this possible defect could cause the bow to go off.

Crossbows, which are designed primarily for hunting, were manufactured by WHAM-O Manufacturing Co., San Gabriel, CA, which is cooperating in the recall. Recall affects rifle crossbow model numbers 105 & 108 & pistol crossbows model number 718, which were manufactured between Sept. 1, 1974, & March 25, 1976. The rifle models retail for about \$60; the pistol version for \$40.

What to do: Consumers who think they have one of these products should remove the trigger mechanism & return it C.O.D. for replacement to WHAM-O, P.O. Box 4, San Gabriel, CA 91778. Mechanism is easily detached by removing 4 screws, 2 on either side, & lifting out the mechanism. For more information concerning the crossbows, you can also contact WHAM-O directly by calling toll-free: 800-423-4174.

CARPETS—Consumer Product Safety Commission (CPSC) has accepted a consent order from Galaxy Carpet Mills Inc. of Elk Grove Village, IL, prohibiting the firm from making carpets or rugs that fail to meet Federal flammability standards & requiring the company to recall defective carpets for correction or destruction. Order covers 2 styles of carpeting with foam backing that were produced between late 1972 & early 1973: Laredo in "mist green," "autumn leaves" & "exotic red" & Polara in "oriental red" & "peacock."

What to do: If you think you may have purchased this carpeting, you should contact the store for recall information. If it is flammable, it should be returned to the manufacturer to be reworked or destroyed. If the carpet has to be destroyed, you will be refunded the full purchase price.

ICE CREAM—Food & Drug Administration (FDA) has ordered the recall of 250 gallons of ice cream distributed in South Carolina by the Purity Ice Cream Co., North Charleston, SC, & 5,536 half gallons of ice cream distributed in Georgia by the Aristocrat Ice Cream Co., Atlanta, GA, because they contained Red Dye No. 2, which was banned by the agency Feb. 12 [CONSUMER REGISTER: March 1]. According to FDA, the dye was added to the ice cream after the ban went into effect. If it had been put in the food product before the ban, the ice cream would not have been recalled.

Bicentennial driving: rules of thumb

To celebrate the American Bicentennial, millions of consumers will use their cars this summer to visit other areas of the country. In fact, according to the U.S Travel Data Center, a private research organization, Bicentennial visitors will be packing some of the major historical areas. Center estimates that 17.4 million Americans will be visiting Philadelphia; 15.3 million will be going to Boston; 13.2 million will be traveling to Washington; 10.9 million will be visiting New York City; 7.9 million will be stopping in Williamsburg & another 5.5 million will be going to Valley Forge. Many of these Bicentennial visitors will be driving their own cars or renting a car for this purpose.

Because the influx of Bicentennial travelers will probably intensify the existing confusion over traffic laws in the different areas of the country, **National Highway Traffic Administration (NHTSA)** provides this general guide to state driving rules:

- **RIGHT TURN ON RED—ENERGY POLICY & Conservation Act** makes some form of right turn on red mandatory if states want to qualify for Federal funds for certain energy conservation efforts. Every state permits drivers to make a right turn on a red light. District of Columbia does not permit right turn on red. Most of the states—36—have adopted the "Western" rule allowing a right turn at any intersection except when a sign prohibits the turn. Remaining states use the "Eastern" rule, which permits turns only where signs are posted. States operating under the "Eastern" rule are: Alabama, Connecticut, Delaware, Louisiana, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Virginia, Vermont & Wyoming. However, many of these states are switching to the more liberal "Western" rule. Starting in January 1977, Virginia will be making the change. Legislatures in Delaware, Pennsylvania, Rhode Island & Vermont are considering taking such action. To be up to date on whether the states you plan to visit use the "Eastern" or "Western" rule, contact the state highway department.

- **FLASHING LIGHTS—NHTSA** reports that drivers have confusion over the meaning of flashing red & yellow lights. While state laws on these signals vary, the general rule of thumb is that a flashing red light means that you should come to a complete stop & then yield the right of way to any vehicle in the intersection. A flashing yellow light means that you should slow down at the intersection & then proceed through or past the traffic signal only with caution.

- **YIELD SIGNS—**Another traffic control sign whose meaning has confused consumers is the yield sign. According to NHTSA, the general rule here is to slow down when approaching the sign &, if required for safety, to stop & yield to any vehicle in the intersection or approaching on another roadway.

- **PEDESTRIANS—**Another area of confusion in state traffic laws involves right of way for pedestrians. To avoid confusion, NHTSA says that drivers have to be alert for pedestrians crossing in the intersection when turning right at a red light. Drivers should also be alert for pedestrians crossing in a crosswalk—when there is no traffic signal or it is inoperative at the intersection.

In addition to following these general traffic rules, you will probably also notice that the signs & signals are being changed across the country to conform to a new national standard developed by **Federal Highway Administration (FHWA)**. Goal is to create uniform traffic control devices across the nation & to systematize our signs with international signals. FHWA has published a free booklet: *The New Look in Traffic Signs and Markings; Signs, Signals, & Pavement Markings* which you can get by writing: Office of Traffic Regulations, Federal Highway Administration, Washington, DC, 20590; or by calling 212-426-0411.

Vehicle Safety Investigations

National Highway Traffic Safety Administration (NHTSA) has opened one new investigation, suspended 2 & completed 4 in its continuing study of safety related problems of cars, motorcycles, tires, child car seats & motorhomes. An investigation does not mean that there is a defect in each case listed, but that a safety related problem has been reported. In each instance, NHTSA wants to find the cause of the problem & how it can be remedied. The following are current NHTSA actions:

STATUS	CASE	MAKE & MODEL	YEAR	COMPONENT	POSSIBLE PROBLEM
New	S6-09	Harley Davidson motorcycle	1973-74	brake	alleged leakage of front disc brake caliper.
Suspended	C3-02	Honda CB 750, CB 500, CB 450 (K3 & K4)	All	gas tank filler cap	gas tank filler cap becomes dislodged allowing gas to become ignited.
Suspended	C4-60	Renault Model 17 Sports Coupe	1971-73	pressurized system	alleged fuel leakage from pressurized system onto engine exterior.
Terminated	051	Kelsey-Hayes Corp./ General Motors Corp. (3-piece wheel installed on ½ ton Chevrolet & GMC trucks)	1960-65	wheel	alleged breakage of wheel. CONCLUSION: Manufacturer agreed to recall defective wheels & replace them free of charge.
Terminated	C3-38	Toyota Corona	1973	brake	corrosions & glazing of front disc brake rotors encountered during shipping. CONCLUSION: Adequate warning of impending brake problems is given to owners, which prompts them to seek corrective actions.
Terminated	C3-41	Chrysler Corp. all 6 cylinder engines	1970-72	exhaust manifold	alleged cracking of exhaust manifold. CONCLUSION: Open crack in exhaust manifold provides operator with distinctly audible warning of service need; unsafe concentrations of carbon monoxide in passenger compartment & unsafe engine performance do not result.
Terminated	C5-27	Symons Corp. (Mulkey Div.) Kari-Krete Placer vehicles	1970-71	suspension	concrete conveyor too heavy for truck suspension resulting in breakage of rear wheel mounting lug bolts. CONCLUSION: In view of manufacturer's recall action, further investigation not required.

Consumers with any of the problems with the above makes & models (including those listed as suspended) may give NHTSA useful information by writing to **Office of Consumer Affairs, Transportation Dept.** Washington, DC 20590, or calling 800-424-0123 in certain eastern states (in Washington, DC metropolitan area, call 202-426-0123). Give make, model, year & serial number.

FTC actions

In its continuing investigation of competition in the health care industry [CONSUMER NEWS: Feb. 15, April 15], Federal Trade Commission (FTC) has begun an investigation to determine whether the American Medical Association (AMA) may have illegally kept down the number of physicians & restrained the amount of health care services in this country by its practices of training doctors & by its recommended fee structure. FTC will be looking at: (1) the accreditation of medical schools & graduate programs & (2) the forms of health care delivery to determine if there are limitations on services that are inconsistent with the traditional fee-for-service approach. If, on the basis of the information obtained in this investigation, FTC determines that these practices hamper competition & raise prices for consumers, it can take appropriate action.

In another FTC matter, the agency has accepted consent orders with Coca-Cola Co., Atlanta, GA., & Glendinning Companies Inc., Westport, CN, regulating their future use of promotional games. Complaint that led to the consent order challenged the firms' actions in connection with a game known as "Big Name Bingo" used to promote Coca-Cola & Tab drinks. Under the consent orders, companies have agreed that for all future contests or promotional games, they will disclose all of the terms, conditions & rules; award all prizes to entries who conform to the conditions for entitlement; & keep adequate records which must be made available for inspection by contestants for a minimum 2 year period.

Censored? No

If you received a letter with a circular big "C" gummed label stuck to the outside of the envelope, it does not mean that your mail has been censored. The "C" is one of 5 stickers used by **Postal Service** in its sorting of first class mail to help personnel in directing letters from one post office to another. According to PS officials, few consumers will see the labels on their mail: these labels are placed only on the top letter in a bundle to tell mail personnel where the whole bundle should go. However, in case you get a letter with one of these labels on it, here is what the different labels mean:

- "C" label tells the mail personnel that all letters in the bundle go to the same city.
- "D" means the letters are all going to the same 5-digit zip code.
- "F" means they are all going to the same firm.
- "S" means they are going to the same state.
- "3" on the label indicates that the letters are going to the same sectional center, a large mail sorting facility, because they all have the same first 3 digits of a zip code.

Plants on the move

Planning to take your plants with you when you visit or move to another state? Before you pack them up, Agriculture Dept.'s **Animal & Plant Health Inspection Service** (APHIS) cautions that you check first for plant quarantine regulations that may exist. This advice also applies if you are visiting another state & plan to bring back plants, bulbs & other items.

More recalls

TIRES—General Tire & Rubber Co. of Akron, OH, announces the recall of all sizes of Atlas Radial Sno 78 tires because some used tires indicate that the belts may crack & break in some situations. If this happens, the tires may lose air, which, if gradual, will cause the tire to operate improperly on the highway, or, if rapid, may cause a blow-out. Broken belt may cause a thumping of the tires, which may alert the driver. If this happens, speed should be reduced & tire should be removed promptly. Repair of the tire is not appropriate.

Consumers are being notified of the defect. For more information, contact National Highway Traffic Safety Administration (NHTSA) in Washington, DC 20590 (in some eastern states call toll-free 800-424-0123; elsewhere, call non-toll-free 202-426-0123).

General Tire & Rubber Co., of Akron, OH, also announces the recall of all sizes of Phillips 66 Radial Mud & Snow tires because of the same defect that exists for Atlas Radials, described above.

For more information on the Phillips tires, contact Phillips Petroleum Co., Bartlesville, OK 74004 (telephone: 918-661-4157) or National Highway Traffic Safety Administration at address & phone numbers listed above.

DOG COLLAR—Food & Drug Administration (FDA) announces recall of 3,000 Sound-Off Bark Restrainer & Training Collars, recalled by manufacturer, Sound-Off Co., Chatsworth, CA. Collar, distributed nationally through pet stores & mail order, has an attached box containing a 6-volt battery, 2 exposed electrodes & a small microphone. It is designed to transmit 1800 volts of electricity to dogs when they bark, but it also shocks the dogs when other sounds, such as human voices & car horns, are picked up by the microphone.

What to do: Return Sound-Off dog collar to place where bought for refund.

Where wheelchairs are welcome

Health, Education & Welfare Dept.'s Rehabilitation Services Administration (RSA) is offering a free guide that lists places in the Washington, DC, area that are accessible to handicapped visitors during the Bicentennial.

Since the guide was developed as an aid for all disabled people, some facilities listed are available to those who are able to walk but not accessible to wheelchair users. The guide must be considered as only a reference—not a complete report—since it was impossible to survey all facilities in the area.

Included in the guide—called *Access Washington*—are theaters, restaurants, hotels & motels, sites of interest, recreation facilities & transportation facilities that are accessible to the handicapped. Typical information in the book includes size of restroom doors & restroom stalls, availability of ramps, height of phone booths & nature of parking facilities.

Visitors can get a copy of *Access Washington* at the Visitors Center in the Commerce Bldg., 14th & E Sts NW in Washington, DC, or they can have a copy mailed by contacting Information Center for Handicapped Individuals, 1619 M St. NW, Washington, DC 20036. To verify information contained in the book, visitors may wish to call the center between 8:30 a.m. & 5 p.m., Monday through Friday: 202-347-4986.

New Federal publication

Federal Energy Administration (FEA) has published a bibliography summarizing nearly 200 of its technical reports. *Technical Reports of the Federal Energy Administration* lists FEA reports on energy conservation, production of oil & other forms of energy, & the current status of U.S. energy resources. It gives title, price & contents of each publication. All reports are available from **National Technical Information Service** (NTIS) or **Government Printing Office** (GPO). Many are also available on microfilm. FEA bibliography costs \$5 & is available from NTIS, 5285 Port Royal Rd., Springfield, VA, 22161.

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